July 8, 1907 –
June 28, 1992

J. Lee Rankin, Solicitor General Who

By ROBERT D. McFADDEN

J. Lee Rankin, a Solicitor General in the Eisenhower Administration who argued forcefully for desegregation of the nation's public schools and for equal voting rights and later was counsel to the commission that investigated President John F. Kennedy's assassination, died on Wednesday at a California nursing home. He was 88.

Mr. Rankin, who later served seven years as New York City Corporation Counsel and retired from private law practice in New York in the late 1970's, had been in failing health in recent years and had suffered a series of strokes in the last year, most recently last week. He died of natural causes at Batterson's Convalescent Home in Santa Cruz, where he had resided since May, said his son, James Lee Rankin Jr.

In a legal career that spanned more than five decades and took him from the plains of Nebraska to the halls of power in Washington and New York, Mr. Rankin was an adviser to President Dwight D. Eisenhower and Attorney General Herbert Brownell Jr. in the 1950's, drafted opinions for the White House and the Cabinet and argued many cases for the Government before the Supreme Court.

As Assistant Attorney General in charge of the Justice Department's office of legal counsel in 1953, Mr. Rankin argued in favor of the black plaintiffs in Brown v. Board of Education of Topeka, Kan., contending that the 19th-century doctrine of "separate but equal facilities" for blacks and whites was unconstitutional. The Court upheld that view in a historic 1954 ruling.

In an effort to avoid violence that might arise from the decision, Mr. Rankin argued in a presentation requested by the High Court that the effort to desegregate schools — overturning decades of entrenched practices — should take place gradually. Accordingly, he suggested the plan by which local school districts submitted desegregation plans to Federal judges in their states.

"It was a major contribution, I think, to give them a procedure that made sense," Mr. Rankin's son James said.

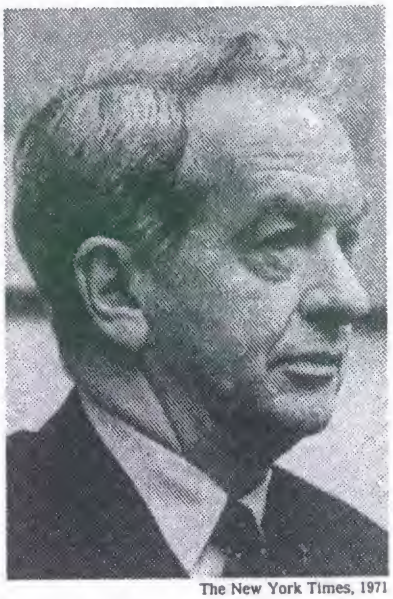
Mr. Rankin was also a close associate of Chief Justice Earl Warren and was the unanimous choice of the Warren Commission to serve as general counsel in the inquiry that concluded that Lee Harvey Oswald had acted alone in killing President Kennedy in Dallas in 1963. Mr. Rankin was credited with redrafting and editing the commission's voluminous report into a work of polished prose.

A moderate Republican, Mr. Rankin served as Mayor John V. Lindsay's Corporation Counsel from 1966 to 1972, heading a staff of 378 lawyers that defended New York City in a wide range of litigation and providing opinions on myriad municipal problems, from the legality of a police officer's membership in the John Birch Society to the legal status of school decentralization efforts.

Norman Redlich, who succeeded Mr. Rankin as Corporation Counsel and was his top deputy in the New York City Law Department and as counsel to the Warren Commission, recalled Mr. Rankin on Friday as a good friend and a lawyer of integrity, talent and wisdom.

"I always felt that what made him valuable to President Eisenhower, to Herbert Brownell, to Earl Warren and John Lindsay was that he never had a personal agenda," Mr. Redlich said. "His agenda was what was best for the government and for the people of New York City and of the country."

Before his Government service in Washington, Mr. Rankin had a private law practice in Lincoln, Neb., for more than 20 years. He was active in Republican politics in his home state, helping organize the 1948 campaign there for Thomas E. Dewey, who lost the election to President Harry S. Truman but carried Nebraska by 40,000 votes.



The New York Times, 1971

J. Lee Rankin

In 1952, Mr. Rankin managed the Eisenhower for President campaign in Nebraska. After the election, Mr. Eisenhower named Mr. Brownell as Attorney General, and Mr. Brownell in 1953 asked Mr. Rankin, an old friend and fellow Nebraskan, to come to Washington and join the Justice Department.

He served as United States Solicitor General, the Justice Department's third-ranking post, from 1956 to 1961. In 1961, after President Kennedy was elected, Mr. Rankin moved to New York and resumed private law practice. He played a role in many prominent cases, including some before the Supreme Court.

In 1962, he represented the American Civil Liberties Union in advancing the landmark case Gideon v. Wainwright, which established the right of an indigent person accused of a crime to have legal counsel at public expense. The case, involving a Florida defendant who was represented by Abe Fortas, was portrayed

Was a Voice for Desegregation, Dies at 88

in the 1980 movie "Gideon's Trumpet," starring Henry Fonda.

Mr. Rankin's New York law practice, interrupted for a year during the Warren Commission investigation and for his six years in the Lindsay administration, continued until his retirement in 1978. For some years, he also taught constitutional law at the New York University Law School.

Slender and bespectacled, Mr. Rankin — who never used his first name, James, but was known to friends and colleagues as Lee — was a straightforward, quiet and friendly man who, away from the courts and law offices, loved to tend roses, played the piccolo, was an enthusiastic amateur photographer and for many years escaped on vacations to his 14,000-acre ranch in South Dakota, where he raised Morgan horses and Hereford cattle.

"A rugged Midwestern independence is a Rankin trait," The New York Times said in a 1957 profile that noted that he married Gertrude Carpenter, a boyhood sweetheart, in 1931. "Her family owned a large paper company. Undoubtedly money could have been found to buy the young couple an automobile. But until he could pay for a car with his own money, Rankin did without one."

James Lee Rankin was born on July 8, 1907, in Hartington, Neb., the son of Herman P. and Lois Gable Rankin. He attended public schools in Lincoln and the University of Nebraska in Lincoln, where he earned a bachelor's degree in 1928 and a law degree in 1930.

After being admitted to the Nebraska Bar Association, Mr. Rankin joined a Lincoln law firm in 1930 and became a partner in 1935. Active in Republican politics, he managed Mr. Dewey's Nebraska primary campaign in his unsuccessful quest for the Republican Presidential nomination in 1940. Eight years later was responsible for Mr. Dewey's campaign in the state.

Going to Washington as an Assistant Attorney General in charge of the Justice Department's office of legal counsel in 1953, Mr. Rankin quickly gained a reputation among associates as a hard-working and able lawyer at home with the most intricate legal problems.

What was perhaps his most important case as a Federal official — the school desegregation fight before the Supreme Court — arose in his first year in Washington. While he argued forcefully in court that "separate but equal" was unconstitutional, he did not comment on the case outside the court at the time.

Under Eisenhower and later, leaving a mark in New York City and the nation.

But in a 1959 speech to lawyers, he hailed the ruling as reflecting "the conscience of a great people," and he offered a defense of the Court against critics that was, his admiring colleagues said, a reflection of his own credos.

"We cannot permit the Court's independence to be undermined by direct or indirect assaults," he said. "Nor can we stand by and let the Court suffer for its declaration of some of the finest values in American life; for its recognition that the declared standards must be lived by; for the reaffirmation of the integrity of the individual, and that the state is required to treat its citizens with equality."

In addition to his work on Brown v. Board of Education, he was instrumental in resolving conflicting claims among Western states to Colorado River water, and in establishing a balance of Federal and state jurisdictions in offshore oil drilling. He also wrote an important memorandum on the question of trading in surplus agricultural commodities with Soviet bloc countries.

Later, as Solicitor General, Mr. Rankin, in response to lawsuits in many states arising out of legislative reapportionment fights, developed the Justice Department's position that led to the principle of one person, one vote. While he did not argue the position in court, his ideas were later advanced by his successor in the Kennedy Administration, Archibald Cox.

After his work as chief counsel to the Warren Commission, Mr. Rankin had no doubt that the panel had come to the proper conclusion in finding that there had been no conspiracy in President Kennedy's assassination. He almost never spoke publicly about his work for the panel or its conclusions, which were issued in 26 volumes with an 800-page summary.

"But I can tell you that he was extremely anguished at the distortions and the phony theories developed as people tried to make money out of what was essentially a national tragedy," Mr. Redlich, who was Mr. Rankin's deputy counsel, said on Friday.

During his service as Corporation Counsel in New York, Mr. Rankin began a program under which graduates of law schools worked in his office for a year or two in a program that provided them with experience before moving on to law firms.

Mr. Rankin, upon retirement, moved to Weston, Conn., where he and his wife had a summer home. In 1993, they moved to Los Gatos, Calif. They had been married for 63 years when Mrs. Rankin died in February 1995. A month later, Mr. Rankin suffered the first of a series of strokes.

In addition to his son, James Jr., of Santa Cruz, Mr. Rankin is survived by a son, Roger C., of Mansfield, Tex.; a daughter, Sara Stadler of New Haven; six grandchildren, and two great-grandchildren.